



Nevada State Board of Medical Examiners

***** PUBLIC NOTICE *****

NEVADA STATE BOARD OF MEDICAL EXAMINERS BOARD MEETING

*Conference Room at the Offices of the
Nevada State Board of Medical Examiners
1105 Terminal Way, Suite 301, Reno, Nevada 89502*

and

*Conference Room at the Offices of the
Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118*

Friday, March 5, 2010 – 8:00 a.m.

***** AGENDA *****

Please Note:

- 1) This meeting will be held at the two locations listed above and will also be videoconferenced or teleconferenced between the two locations.
- 2) Persons wishing to attend this meeting may do so at either of the above-listed locations.
- 3) Agenda items, other than those items posted with a specific time, may be taken out of sequence to accommodate persons appearing before the Board and/or to aid in the effectiveness of the meeting.
- 4) Certain agenda items, or portions thereof, may be conducted in closed session, in accordance with NRS 241.030.

1. Call to Order and Announcements - Charles N. Held, M.D., President

- Roll Call/Quorum
- Announcement of Appointment by the Governor and Introduction of New Board Member Valerie J. Clark, BSN, RHU, LUTCF

Mailing Address: P.O. Box 7238 • Reno, Nevada 89510-7238

Physical Address: 1105 Terminal Way, Suite 301 • Reno, Nevada 89502-2144

(775) 688-2559 • Fax (775) 688-2321

E-mail: nsbme@medboard.nv.gov • Website: www.medboard.nv.gov

- 2.* Approval of Minutes
- November 6 & 7, 2009 Board Meeting – Open/Closed Sessions
- 3.* Personnel
Open Session
Closed Session
- Staffing
- Charles N. Held, M.D., President; Douglas C. Cooper, CMBI, Interim Executive Director
- 4.* Consideration of Adoption of Amendments to Nevada Administrative Code Chapter 630
Friday, March 5, 2010, at 8:05 a.m., or as soon thereafter as it may be heard
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to amend NAC 630.350 and NAC 630.530 to include language which indicates that physician assistant and practitioner of respiratory care licensees must provide evidence of required Continuing Medical Education or Continuing Education Units completion, as a condition of licensure renewal when their licenses have previously been suspended for non-payment
- Edward O. Cousineau, J.D., General Counsel; Douglas C. Cooper, CMBI, Interim Executive Director
- 5.* Consideration of Petition Pursuant to NRS 630.420 Through 630.440 for Revisions to NAC 630.230(g) and NAC 630.040
Friday, March 5, 2010, at 8:30 a.m., or as soon thereafter as it may be heard
- Jacob L. Hafter, Esq.
- 6.* Consideration of Request of Barry Markman, M.D. for Removal of Restrictions on his Medical License
Friday, March 5, 2010, at 9:15 a.m., or as soon thereafter as it may be heard
- Barry Markman, M.D.
- 7.* Consideration of Request of Howard Gelfand, M.D. for Removal of Restriction on his Medical License
Friday, March 5, 2010, at 9:25 a.m., or as soon thereafter as it may be heard
- Howard Gelfand, M.D.
- 8.* Consideration of Request of Harold Tate, M.D. for Modification of Settlement, Waiver and Consent Agreement in the Matter of the Nevada State Board of Medical Examiners vs. Harold Tate, M.D., BME Case No. 08-19247-1
Friday, March 5, 2010, at 9:35 a.m., or as soon thereafter as it may be heard
- Harold Tate, M.D.; Mark S. Ravis, Esq.
Adjudicating Board Members: Charles N. Held, M.D., President; Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member

- 9.* Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Navneet Sharda, M.D., BME Case No. 08-11856-1
Friday, March 5, 2010, at 9:45 a.m., or as soon thereafter as it may be heard
- Keith D. Marcher, J.D., Senior Deputy Attorney General
Adjudicating Board Members: Charles N. Held, M.D., President; Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Michael J. Fischer, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 10.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Colleen Lyons, M.D., BME Case No. 09-8102-1
- Lyn E. Beggs, J.D., General Counsel
Adjudicating Board Members: Charles N. Held, M.D., President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 11.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Kent Skogerson, M.D., BME Case No. 09-8167-1
- Lyn E. Beggs, J.D., General Counsel
Adjudicating Board Members: Charles N. Held, M.D., President; Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 12.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Timothy Hamilton, M.D., BME Case No. 09-32628-1
- Edward O. Cousineau, J.D., General Counsel
Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Michael J. Fischer, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 13.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Sean Phong-Quoc Su, M.D., BME Case No. 09-11344-1
- Edward O. Cousineau, J.D., General Counsel
Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Michael J. Fischer, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 14.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. James Okoh, M.D., BME Case No. 09-32277-1
- Lyn E. Beggs, J.D., General Counsel
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Michael J. Fischer, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member

- 15.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. John Thalgott, M.D., BME Case No. 08-9484-1
- Edward O. Cousineau, J.D., General Counsel
Adjudicating Board Members: Renee West, Secretary-Treasurer; Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Michael J. Fischer, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 16.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Muzaffar Kirmani, M.D., BME Case No. 09-10129-1
- Edward O. Cousineau, J.D., General Counsel
Adjudicating Board Members: Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Michael J. Fischer, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 17.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Kenneth Westfield, M.D., BME Case No. 09-5797-1
- Lyn E. Beggs, J.D., General Counsel
Adjudicating Board Members: Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Michael J. Fischer, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 18.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Timothy Bell, M.D., BME Case No. 09-12922-1
- Edward O. Cousineau, J.D., General Counsel
Adjudicating Board Members: Javaid Anwar, M.D., Board Member; Van V. Heffner, Board Member; Michael J. Fischer, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member
- 19.* Discussion and Approval of Memorandums of Understanding (MOUs) With Diversion Program Providers
- Douglas C. Cooper, CMBI, Interim Executive Director
- 20.* Report on March 1, 2010 Through February 29, 2012 Biennial Licensure Registration Renewals for Practitioners of Respiratory Care
- Lynnette L. Daniels, Chief of Licensing
- 21.* Consideration of Utilizing FSMB Uniform Online Application Form
- Lynnette L. Daniels, Chief of Licensing
- 22.* Consideration of Guidelines for Licensure Applicants who Have Been out of Practice for a Period of Time
- Charles N. Held, M.D., President; Douglas C. Cooper, CMBI, Interim Executive Director; Lynnette L. Daniels, Chief of Licensing

23.* Reports

- Physician Assistant Advisory Committee - *John B. Lanzillotta, P.A.-C, Advisory Committee Member*
- Practitioner of Respiratory Care Advisory Committee - *John H. Steinmetz, R.R.T., Advisory Committee Member*
- Investigative Committees - *Charles N. Held, M.D., President, Chairman, Investigative Committee A*
No Report
Benjamin J. Rodriguez, M.D., Vice President, Chairman,
Investigative Committee B
- Consideration of Cases Recommended for Closure by Investigative Committee B
- Investigations Division - *Pamela J. Castagnola, CMBI, Acting Chief of Investigations;*
Johnna S. LaRue, Compliance Officer
- Status of Investigative Case Load
- Status of In-Office Surgery Reporting for 2009
- Annual Compliance Report for 2009
- Nevada State Medical Association Report - *Lawrence P. Matheis, Executive Director,*
Nevada State Medical Association
- Clark County Medical Society Report - *Warren Evins, M.D., Ph.D, FACP, Executive Director,*
Clark County Medical Society; Benjamin J. Rodriguez, M.D., Board Vice President

24.* Executive Staff/Staff Reports

- Discussion Concerning Amending Lease with Regional Transportation Commission for Reno Office - *Douglas C. Cooper, CMBI, Interim Executive Director*
- Update and Discussion Regarding Opening Satellite Office in Las Vegas
 - *Douglas C. Cooper, CMBI, Interim Executive Director*
- Consideration of Request for Staff and Board Member Attendance at Educational Meetings
 - *Douglas C. Cooper, CMBI, Interim Executive Director*
- Informational Items
 - Update Regarding Proposed Amendment to Nevada Administrative Code Chapter 630, Related to Regulation of Delegation by Physicians and Physician Assistants to Medical Assistants (update only – not an action item) - *Douglas C. Cooper, CMBI, Interim Executive Director*
 - Discussion Regarding Board Audits - *Douglas C. Cooper, CMBI, Interim Executive Director*
 - Update Regarding the Administrators in Medicine Assessment Program Audit/FSMB - *Douglas C. Cooper, CMBI, Interim Executive Director*
 - Safe Injection Practices Project - *Shawna M. Rice, Investigator*
 - Attorney General's Practicing Medicine Without a License Task Force- *Lyn E. Beggs, J.D.*
 - Prescription Drug Abuse Project - *Douglas C. Cooper, CMBI, Interim Executive Director*
 - Legislative Commission on Health Care - *Douglas C. Cooper, CMBI, Interim Executive Director*

25. Legal Reports - *Edward O. Cousineau, J.D., General Counsel; Lyn E. Beggs, J.D., General Counsel; Keith D. Marcher, J.D., Senior Deputy Attorney General*

- Board Litigation Status

- 26.* Licensure Ratification
- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the November 6 & 7, 2009 Board Meeting
- 27.* Appearances for Consideration of Acceptance of Applications for Licensure
Portions of these appearances may be conducted in closed session in accordance with NRS 241.030.
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| (a) Harold Stensby, M.D. | (e) Rachel Braunstein, M.D. |
| (b) David Maydole, C.R.T. | (f) Su-Yong Pak, M.D. |
| (c) Manish Jain, M.D. | (g) Robert Aquino, M.D. |
| (d) Stephen Dubin, M.D. | (h) James Harris, M.D. |
28. Matters for Future Agenda
- 29.** Public Comment

* Denotes items on which action may occur.

** Under the Public Comment agenda item, members of the general public may bring matters not appearing on this agenda to the attention of the Board. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than four (4) minutes.

NOTICES POSTED AT THE FOLLOWING LOCATIONS:

Nevada State Board of Medical Examiners - Reno
Washoe County Court House – Reno
Office of the Attorney General - Carson City
Office of the Attorney General - Las Vegas
Southern Nevada Health District - Las Vegas
Elko County Court House - Elko
White Pine County Court House - Ely

PLEASE NOTE:

- 1) Persons/facilities desiring copies of the Board's agenda must submit their request in writing every twelve (12) months. Check the address label for this agenda for expiration date.
- 2) With regard to any Board meeting, it is possible that an amended notice will be published adding new items to the original agenda. Amended notices will be posted in accordance with the Open Meeting Law; however, they will not be mailed to individuals on the Board's mailing list.
- 3) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Board office in writing at P.O. Box 7238, Reno, NV 89510 or by calling (775) 688-2559 prior to the date of the meeting.